

# SENATE AMENDMENTS

## 2<sup>nd</sup> Printing

By: Harper-Brown, et al.

H.B. No. 2585

### A BILL TO BE ENTITLED

### AN ACT

relating to the reimbursement of utilities for relocation of utility facilities following improvement or construction of certain tolled highways.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 203.092, Transportation Code, is amended by amending Subsections (a-1), (a-2), and (a-3) and adding Subsection (a-4) to read as follows:

(a-1) Notwithstanding Subsection (a)(3), the department and the utility shall share equally the cost of the relocation of a utility facility that is made before September 1, 2017 [~~2013~~], and required by the improvement of a nontolled highway to add one or more tolled lanes. This subsection expires September 1, 2017 [~~2013~~].

(a-2) Notwithstanding Subsection (a)(3), the department and the utility shall share equally the cost of the relocation of a utility facility that is made before September 1, 2017 [~~2013~~], and required by the improvement of a nontolled highway that has been converted to a turnpike project or toll project. This subsection expires September 1, 2017 [~~2013~~].

(a-3) Notwithstanding Subsection (a)(3), the department and the utility shall share equally the cost of the relocation of a utility facility that is made before September 1, 2017 [~~2013~~], and required by the construction on a new location of a turnpike project

1 or toll project or the expansion of such a turnpike project or toll  
2 project. This subsection expires September 1, 2017 [2013].

3 (a-4) If a utility under Subsection (a-1), (a-2), or (a-3)  
4 is privately owned, the utility and the department must enter into  
5 an agreement requiring the relocation of a utility facility to be  
6 completed within a reasonable time period. If the utility does not  
7 complete the relocation of a utility facility by the date specified  
8 in the agreement, the department is not required to continue to  
9 share the cost of the relocation of a utility facility under  
10 Subsection (a-1), (a-2), or (a-3) after the date specified by the  
11 agreement. This subsection expires September 1, 2017.

12 SECTION 2. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect on the 91st day after the last day of the  
17 legislative session.

# ADOPTED

MAY 20 2013

*Atty. Gen.*  
Secretary of the Senate

By: Ken Paxton

H.B. No. 2585

Substitute the following for \_\_\_\_ B. No. \_\_\_\_:

By: [Signature]

C.S. H.B. No. 2585

## A BILL TO BE ENTITLED

### AN ACT

relating to the reimbursement of utilities for relocation of utility facilities following improvement or construction of certain tolled highways.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 203.092(a-1), (a-2), and (a-3), Transportation Code, are amended to read as follows:

(a-1) Notwithstanding Subsection (a)(3), the department and the utility shall share equally the cost of the relocation of a utility facility that is ~~[made before September 1, 2013, and]~~ required by the improvement of a nontolled highway to add one or more tolled lanes. ~~[This subsection expires September 1, 2013.]~~

(a-2) Notwithstanding Subsection (a)(3), the department and the utility shall share equally the cost of the relocation of a utility facility that is ~~[made before September 1, 2013, and]~~ required by the improvement of a nontolled highway that has been converted to a turnpike project or toll project. ~~[This subsection expires September 1, 2013.]~~

(a-3) Notwithstanding Subsection (a)(3), the department and the utility shall share equally the cost of the relocation of a utility facility that is ~~[made before September 1, 2013, and]~~ required by the construction on a new location of a turnpike project or toll project or the expansion of such a turnpike project or toll project. ~~[This subsection expires September 1, 2013.]~~

1       SECTION 2. This Act takes effect immediately if it receives  
2 a vote of two-thirds of all the members elected to each house, as  
3 provided by Section 39, Article III, Texas Constitution. If this  
4 Act does not receive the vote necessary for immediate effect, this  
5 Act takes effect on the 91st day after the last day of the  
6 legislative session.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 21, 2013**

**TO:** Honorable Joe Straus, Speaker of the House, House of Representatives

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2585** by Harper-Brown (Relating to the reimbursement of utilities for relocation of utility facilities following improvement or construction of certain tolled highways.), **As Passed 2nd House**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Transportation Code to make permanent the current provision requiring the Texas Department of Transportation (TxDOT) and a utility to share equally the cost of the relocation of utility facilities required by the improvement or construction of certain toll projects. Under current law, the requirement would expire on September 1, 2013.

Based on information provided by TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** UP, SD, RB, MW, TG, AG

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 14, 2013**

**TO:** Honorable John Carona, Chair, Senate Committee on Business & Commerce

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2585** by Harper-Brown (Relating to the reimbursement of utilities for relocation of utility facilities following improvement or construction of certain tolled highways.),  
**Committee Report 2nd House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Transportation Code to make permanent the current provision requiring the Texas Department of Transportation (TxDOT) and a utility to share equally the cost of the relocation of utility facilities required by the improvement or construction of certain toll projects. Under current law, the requirement would expire on September 1, 2013.

Based on information provided by TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** UP, RB, MW, TG, AG

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**May 9, 2013**

**TO:** Honorable John Carona, Chair, Senate Committee on Business & Commerce

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2585** by Harper-Brown (Relating to the reimbursement of utilities for relocation of utility facilities following improvement or construction of certain tolled highways.), **As Engrossed**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Transportation Code to extend the expiration date to September 1, 2017, for the current provision requiring the Texas Department of Transportation (TxDOT) and a utility to share equally the cost of the relocation of utility facilities required by the improvement or construction of certain toll projects. Under current law, the requirement would expire on September 1, 2013. If a utility is privately owned, the bill would require the utility and TxDOT to enter into an agreement requiring the relocation of the utility facility within a reasonable time period. TxDOT would not be required to continue sharing the costs of the relocation after the date specified in the agreement.

Based on information provided by TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** UP, RB, MW, TG, AG

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 12, 2013**

**TO:** Honorable Larry Phillips, Chair, House Committee on Transportation

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2585** by Harper-Brown (Relating to the reimbursement of utilities for relocation of utility facilities following improvement or construction of certain tolled highways.),  
**Committee Report 1st House, Substituted**

<p><b>No significant fiscal implication to the State is anticipated.</b></p>
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The bill would amend the Transportation Code to extend the expiration date to September 1, 2017, for the current provision requiring the Texas Department of Transportation (TxDOT) and a utility to share equally the cost of the relocation of utility facilities required by the improvement or construction of certain toll projects. Under current law, the requirement would expire on September 1, 2013.

Based on information provided by TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** UP, AG, MW, TG



**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**April 1, 2013**

**TO:** Honorable Larry Phillips, Chair, House Committee on Transportation

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB2585** by Harper-Brown (Relating to the reimbursement of utilities for relocation of utility facilities following improvement or construction of certain tolled highways.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

The bill would amend the Transportation Code to make permanent the current provision requiring the Texas Department of Transportation (TxDOT) and a utility to share equally the cost of the relocation of utility facilities required by the improvement or construction of certain toll projects. Under current law, the requirement would expire on September 1, 2013.

Based on information provided by TxDOT, it is assumed any costs or duties associated with implementing the provisions of the bill could be absorbed within the agency's existing resources.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** UP, AG, MW, TG